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Can we be harmed after we are dead?

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[1]

Introduction

Philosophers from antiquity onwards have asked whether we are harmed by death itself [1,2]. My question is different. I want to know whether we can be harmed by further events that happen after we are dead. While connected, the two questions are clearly distinct. Someone might think that death is normally a very bad thing for the deceased, yet hold that, once you are gone, you are beyond the reach of any further harms.

This is not my view. I shall be arguing that, even after we are dead, we can be further harmed by subsequent events. This is not because I think that we somehow survive our deaths. I am quite convinced that once we are dead, we cease to exist in any sense. But even so I hold that events subsequent to our death can harm us. What happens after we are gone can make a genuine difference to our good or bad fortune.

Note how my question has practical implications that are not raised by the more familiar question about death itself. On my view, we can well have reason to influence posthumous events so as to benefit the dead. For those who deny that people can be harmed after they are dead, their interests will cease to matter to others once they are gone. I disagree. I think that we can have reason to protect the interests of dead people.

Two examples

Let us consider a couple of hypothetical examples.

Jane is a single woman of independent means. She has devoted the last 10 years to a book on the flora of West Sussex. When she dies suddenly and unexpectedly, the book is complete but somewhat disordered. A publisher is lined up, but there is still work to be done in tidying up the typescript, dispatching it to the publisher, and so forth. You are a distant relative, and it falls to you to decide whether to arrange publication or simply to throw the work away.

John is also single, and once more you are a distant relative sorting out his effects after he dies suddenly and unexpectedly. You discover evidence, in the form of clothes and diaries and so on, that he was a secret cross-dresser. This is a surprise to you since John was a highly respectable solicitor, who played a prominent and beneficial role in local affairs and took pride in his reputation as a model of probity. If you do not destroy the evidence, the story will certainly get out and be made a fuss of in the local press.

To focus the issue, let me specify that in neither case will it make any significant difference to anybody alive whether the book is published or the cross-dressing kept a secret. Neither Jane nor John has any close friends or family who will feel personally pleased or distressed by what happens. Jane's book is worthy enough, and will recover the publisher its costs, but there are other books with similar remits, and the information in it is already available in the journals for any serious scholars to find. Similarly, nothing of public moment will hinge on whether John's cross-dressing is kept secret or not.

Indeed, we may as well specify that, as far as the public good goes, it will be marginally better if Jane's book is not published (the resources it requires could be used for better purposes) and John's cross-dressing is made public (it will help people understand that such harmless compulsions can coexist with general goodness).

The point is that, insofar as anything bad happens when Jane's book is thrown away or John's secret is exposed, it will be bad for the dead people, and not for anybody else. Jane is the only person to whom the publication of the book matters; she is the one who spent 10 years directed towards this end. Similarly, it is only John who will be harmed by his secret being exposed; it was he who strove to build a respectable reputation by hiding his inclinations and wanted to be remembered in this way.

Harming the dead

Even so, it seems clear to me that in both cases, you would have reason to do what your deceased relatives would have wished. Even though the only people to whom it matters are dead, you

have reason to get Jane's book published and to preserve John's reputation.

Of course, these reasons may not be compelling. I have already specified that, as far as the general good goes, it would be marginally better to ignore the deceased's wishes. And carrying out these wishes would involve some personal inconvenience to you: it will take some time and trouble to get the typescript to the publisher or destroy the evidence. When all these things are taken into account, you may well rightly conclude that the best thing, all things considered, is to disregard the concerns of the dead.

Even so, I say, you do have some reason to get the book published and to destroy the evidence. These reasons may be outweighed by considerations on the other side, but they deserve to be taken into account.

And this then shows, I argue, that the dead can be harmed by what happens after they are dead. For what other reason is there for getting the book published and destroying the evidence, apart from the fact that failing to perform these actions would harm the dead? I have taken care to specify that no one alive benefits from these actions – indeed I have specified that the living will be positively better off without the publication of the book or destruction of the evidence. So the only people whose interests can possibly weigh on the side of these actions are the dead people.

Hedonic and intrinsic facts

You might find it strange to suppose that the dead can be harmed. But there is no good reason for this suspicion. It is true that some philosophical theories of harm imply that the dead cannot be harmed. For example, if harm or benefit were always a matter of suffering pain or enjoying pleasure, or more generally of having positive or negative experiences [3], then of course it would be impossible for the dead to be harmed by things that happen after their death. You only have experiences when you are alive, and those experiences cannot be affected by posthumous events.

But this hedonist view of harm and benefit is quite unconvincing. Am I not harmed by my wife and my most trusted friend conducting a clandestine affair, even if I never get to know about it?

To drive the point home, consider Robert Nozick's 'experience machine' [4]. Suppose you are offered the chance to spend the rest of your life in a machine, which will generate all the pleasurable experiences you will ever actually have and more. Would you rather live out your life in this machine or in the real world? It seems to most people that life in the real world is clearly more worthwhile, even though the machine beats it on the count of pleasurable experiences alone.

A somewhat weaker idea than hedonism is the thesis that harm or benefit must always involve some modification of people's intrinsic properties, even if not of their conscious experiences. Intrinsic properties are those whose possession by some entity does not depend constitutively on facts involving other entities: so my being 6 ft tall is one of my intrinsic properties because it depends on facts about me alone, but my being the tallest person in the room is not because this also depends on who else is in the room and how tall they are.

If harm and benefit always did require some modification of intrinsic properties, then again it would be impossible for the dead to be harmed by things that happen after their death. Given that we cease to exist once we are dead, our intrinsic properties cannot be causally influenced by events that occur only after we are dead.

But the view that harm and benefit must always involve some intrinsic change is no more convincing than hedonism itself. Indeed, the examples that refute hedonism also refute the weaker claim. When my wife and friend start deceiving me, or when the experience machine replaces the normal causes of my pleasurable experiences, I am quite unaltered intrinsically. The modifications that harm me involve my relations to the wider world, and not any of my intrinsic properties.

At first pass, it might seem that the possibility of posthumous harm must involve some kind of 'backwards causation', with future events reaching back in time to produce effects before death. But the fact that harm can be a matter of relational properties allays this worry. In the cases at hand, the harm depends on your relational properties, not your intrinsic properties, and these relational properties depend crucially on what happens after your death. Is your book published? Is your cross-dressing kept secret? It is scarcely surprising that such relational properties are affected by posthumous events.

Desires and harm

The last section showed that once we recognize that benefit and harm can be relational, we can dismiss certain arguments against the possibility of posthumous harm. But what about arguments for posthumous harm? Given the contentious nature of the suggestion, it would be good to offer some positive reasons in its favour.

If we could assume a preferentialist desire-based theory of benefit and harm, then there would be an immediate argument in favour of posthumous harm. On such a desire-based theory, people are benefited whenever their desires are satisfied and harmed when they are not. Since people can clearly have desires about events after their death, benefit and harm can then hinge on posthumous events. Jane desired strongly that her book be published, even if she would no longer be alive to see it, and John similarly desired that his respectable reputation be preserved after his demise. If any non-satisfaction of desires occasioned harm, then Jane and John would be harmed by the frustration of their future-orientated desires, even if they would not themselves be alive at the time. (Do not confuse the question of whether their desires are satisfied – that is, whether the ends at which their desires are directed actually occur – with the psychological question of whether they experience any subjective satisfaction as a result. While Jane and John clearly cannot be subjectively affected by the posthumous success of their plans, this does not mean that such success was not precisely what their desires were aimed at.)

However, there are powerful arguments against a desire-based theory of benefit and harm [5,6]. Suppose I am an addict and find myself with an overwhelming desire to take a drug even though I know full well, I will get no subsequent pleasure from its ingestion. In what sense am I benefited by consuming it, just because my prior desire was directed towards this end? It does not look as if this satisfaction of my desire brings any good to me. Or, again, suppose I find that I have acquired a pressing desire to count the blades of grass on my lawn. This fact alone does not show that it will benefit me to achieve this end. Such a silly desire is surely better left unsatisfied.

A desire satisfaction account of benefit and harm seems to get things the wrong way round. In general, we desire things because we judge independently that they would contribute to our welfare. But, on the desire-based account, what makes things contribute to our welfare is simply that we desire them. To get things right, it looks as if we need to move beyond a desire-based account and recognize that certain outcomes are objectively valuable for agents, whether or not they desire them. Of course, one thing that can make outcomes valuable for agents is that they will enjoy them. The arguments against hedonism show that psychological enjoyment is not the only outcome that is valuable for agents, but it is certainly one kind of valuable outcome; it would be a grey world with no enjoyment. Still, even in these cases, the outcome is not valuable just because it is desired *ex ante*, but because it will in fact later give enjoyment. Being desired beforehand is one thing, and giving enjoyment later is another, as the case of the drug addict shows.

So we cannot establish the possibility of posthumous harm simply by pointing out that the dead often had strong desires about events after their death. You are not necessarily harmed by the non-satisfaction of your desires. It depends on whether the object of your desire is objectively valuable, independently of whether you desired it.

Agent-relative value

This last point might now seem to raise a problem. I say that benefit and harm must involve results that are objectively valuable. But in what sense can results that matter only to certain specific individuals be objectively valuable? When I set up my examples, I took care to specify that the outcomes did not further the public good. This was because I wanted to make sure it was the dead that would be harmed or benefited, not the survivors. I did not want our judgements that the book should be published or the cross-dressing kept a secret to be contaminated by the thought that this would be a good thing for the world in general.

Does not this show that relevant outcomes are not objectively valuable, and therefore that their non-occurrence cannot be genuinely harmful, even to the dead? It looks as if the results are significant in our examples only because Jane and John desired them, not because of any genuine worth they may have. And if that is right, should not they be classed alongside the drug addict's fix and the grass counter's foible, as outcomes that would not be of any genuine benefit to anybody?

But it would be a mistake to infer, from the fact that an outcome only matters to some specific person that it must derive from some pointless desire, and therefore is of no genuine worth. This would ignore the possibility of agent-relative values. Sometimes, outcomes are valuable for some people and not for others, yet are nevertheless objectively value for those people, independently of whether they desire them. I have already mentioned enjoyment. The enjoyment I derive from a day's sailing, say, is genuinely valuable. It is valuable specifically for me, in a way it is not for you. Enjoyment is thus an obvious example of something that matters to genuine benefit and harm, yet does so in an agent-relative way.

But not all agent-relative values are so hedonistic or egotistic. It is objectively valuable for me and my wife that our children flourish, in a way that it is not valuable to the population in general.

A special case of agent-relative values involve the achievement of projects and ambitions. It is central to human nature that we set ourselves long-term aspirations, and our success or failure in these projects are often the most important thing in our lives. Now, it is true, as with desires, that some projects are so silly that their achievement is not genuinely worthwhile at all. (A grass-counting ambition could be a case in point.) Still, once someone does commit themselves to a project that is not just downright silly, then this will mean that the successful culmination of the project is valuable for that person, in a way it would not otherwise have been. The mere fact that I set myself the aim of running a marathon in under four hours makes this outcome especially valuable for me.[1]

This is what I think about my two examples. Jane and John both have long-term ambitions, the achievement of which is not restricted to their lifespan. Neither ambition – getting the book published, preserving a reputation – is at all silly, even if it will bring no great benefit to the wider world. As a result, these outcomes are objectively valuable for them, even though they do not matter to other people in the same way. This is why they would be harmed by the prevention of these outcomes. Something that is genuinely valuable for them would be taken away.

One last point. I said earlier that you, as a distant relative of Jane or John, would have reason to prevent their being harmed by posthumous events. But my last points might seem to undermine that thought. If the threatened outcomes are bad specifically for them because of their ambitions and projects, but not for you, or for anyone else alive, then in what sense do you have a reason to prevent them? The agent-relative value of the outcomes would of course give Jane and John reason to prevent them, if only they could. But, precisely because the values are agent relative, they might seem irrelevant to what you should now do.

However, the fact remains that these outcomes would harm your dead relatives. The outcomes *per se* may not matter to you, but they would mean a failure of the deceased's ambitions, and that would harm them significantly. I take it that in general, we have reason to prevent harm to people. Such reasons may be overridden, and indeed, I have allowed that in the cases at hand they may not be compelling. But they are genuine reasons for all that, that deserve to be taken into account in your deliberations.

So even though the publication of Jane's book or the preservation of John's reputation may not in themselves be of any value to you, their long-term goals mean that the failure of these outcomes would harm them. And the prevention of such harm is of value to you. That is why you have a reason to carry out their wishes. More generally, given that the dead can be harmed by events that happen after their death, in the ways I have shown, we survivors will often have reason to act so as to enhance their welfare.

This paper was presented on 9 December 2011 at the King's College/Centre for Humanities and Health Workshop on Death. A report on this workshop [2] and three other papers from it [1,8,9] are also published in this issue.

[1] '. . . once a person has made something his goal it acquires special importance for him. He has a reason to pursue it that he did not have before' [7].

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